

Judge Richard A Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN RICHARD FARRELL,

Defendant.

CASE NO. CR15-0029RAJ

[PROPOSED]
**PRELIMINARY ORDER OF
FORFEITURE**

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, and based on the guilty plea of BRIAN RICHARD FARRELL to *Conspiracy to Distribute Heroin, Cocaine, and Methamphetamine*, the lesser-included offense of that charged in Count One (1) of the Indictment, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B) and 846, and upon the terms of the defendant's Plea Agreement filed in this matter between BRIAN RICHARD FARRELL and the United States, in which the defendant agreed to the forfeiture of the assets listed below, it is hereby:

ORDERED, ADJUDGED, and DECREED that, pursuant to Title 21, United States Code, Section 853, BRIAN RICHARD FARRELL's interest in the following property is hereby forfeited to the United States of America:

- (a) \$35,000.00 in U.S. Currency, seized from the defendant's residence in Bellevue, Washington, on January 2, 2015; and

(b) Multiple Silver Bullion Bars, seized from the defendant's residence in Bellevue, Washington, on January 2, 2015:

1. Qty. 31 – 1 oz. Silver Bullion Bars; and
2. Qty. 21 – 10 oz. Silver Bullion Bars.

The Court finds that the above-described property is subject to forfeiture as property constituting, or derived from, proceeds Defendant obtained, directly or indirectly, or any property used, or intended to be used, to commit or to facilitate the commission of such violation to which the defendant has pleaded guilty.

IT IS FURTHER ORDERED that the United States Department of Homeland Security, Homeland Security Investigations, Immigration and Customs Enforcement and/or their authorized agents/representatives seize the above-described property and maintain such seized property in its custody and control until further order of this Court, or until this Order becomes final pursuant to Federal Rule of Criminal Procedure 32.2(c)(2).

IT IS FURTHER ORDERED that pursuant to Title 21, United States Code, Section 853(n), the United States shall publish notice of the Preliminary Order of Forfeiture and of the intent of the United States to dispose of the property in accordance with law. The notice shall be posted on an official government website for at least thirty (30) days. The notice shall state that any person, other than the defendant, having or claiming a legal interest in the above-described property must file a petition with the Court within sixty (60) days of the first day of publication of notice (which is thirty (30) days from the last day of publication) on an official internet government forfeiture website, currently www.forfeiture.gov, or within thirty (30) days of receipt of actual notice, whichever is earlier.

The notice shall advise such interested persons that:

1. the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in such property;
2. the petition shall be signed by the petitioner under penalty of perjury; and

3. the petition shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property.

The petition shall also set forth any additional facts supporting the petitioner's claim and the relief sought.

The United States shall also, to the extent possible, provide written notice as a substitute for published notice to any person known to have an alleged interest in the above-described property that is the subject of this Preliminary Order of Forfeiture.

Upon adjudication of any third-party claims, this Court will enter a Final Order of Forfeiture pursuant to Title 21, United States Code, Section 853(n), in which all such claims will be addressed.

IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third-party files a timely claim, this Order shall become the Final Order of Forfeiture as provided by Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure.

IT IS FURTHER ORDERED that after the disposition of any motion filed under Rule 32.2(c) of the Federal Rules of Criminal Procedure and before a hearing on any third-party petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

IT IS FURTHER ORDERED that the United States shall have clear title to the above-described property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in Title 21, United States Code, Section 853(n) for the filing of third-party petitions.

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1 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this
2 Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of
3 Criminal Procedure.

4 DATED this _____ day of June, 2016.

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7 _____
8 RICHARD A JONES
United States District Judge

9 Presented by:

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